

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT**"A Tradition of Service"**OFFICE CORRESPONDENCE

DATE: August 22, 2005

FILE NO.: #2126128

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDERTO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAUSUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY MacDONALD # [REDACTED]

DEPUTY GEISBAUER # [REDACTED]

On August 13, 2004, Deputies MacDonald and Geisbauer, Unit 216E, were with Unit 217E PM at the intersection of Holmes Avenue and Slauson Avenue when they all heard several gunshots coming from the north. Both units drove around to try and determine the source of the gunfire. Unit 217E stopped to detain two males and requested Unit 216E to assist them. During this contact, all four deputies heard an additional two rounds being fired from the north. They checked the area and saw a vehicle with no license plate. The vehicle was being driven by a lone male. After the driver looked at them, he rapidly accelerated away. They attempted a traffic stop but the vehicle continued to accelerate. They saw the vehicle slow as Suspect Macias opened the driver's door and exited on the run, as he left the moving vehicle. The deputies stopped behind the suspect vehicle and exited. Deputy MacDonald saw the suspect facing him with a gun in his hands. Fearing the suspect was going to shoot him, Deputy MacDonald drew his duty weapon and began firing at the suspect. He continued to fire while simultaneously running toward a parked vehicle for cover. Deputy Geisbauer exited the passenger's side of the radio car and heard the shooting. He believed that his partner may be involved in an exchange of gunfire and saw the suspect running. The suspect turned back toward Deputy Geisbauer and pointed the gun in his direction. Believing that the suspect was going to shoot him, Deputy Geisbauer began firing at him. The suspect fell to the sidewalk after Deputy Geisbauer shot at him. Suspect Macias sustained a gunshot wound to the head and one to the lower left torso. He was pronounced dead at the scene by paramedics. Neither deputy was injured.

On August 4, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; MMP § 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force. Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, 3-01/025.10, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies MacDonald and Geisbauer was reasonable and necessary and in compliance with Department policy.

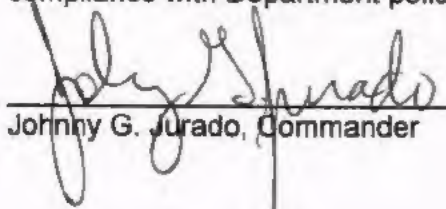

Johnny G. Jurado, Commander

TABLE OF CONTENTS

SUPERVISOR'S REPORT

INVESTIGATIVE NARRATIVE

EXHIBITS

- A. Sheriff's Department Incident Report, URN # 004-05787-1325-152
 - Supplemental Reports Revealant to Shooting
- B. Los Angeles Police Department Report
- C. Map Quest Print Out of Streets, Showing approximate Location of Shooting
- D. Scientific Services Bureau Crime Scene Drawing
- E. Los Angeles County District Attorney's Letter of Opinion
- F. Criminal History and Photograph of Suspect Macias.

MISCELLANEOUS DOCUMENTS

- Century Station PM In-Service, 08-13-04

LASD HOMICIDE SHOOTING BOOK

Los Angeles County Sheriff's Department

Officer Involved Shooting

Page 1 of 4

Report Date: 08-13-04		Bureau/Station/Facility: Century Sheriff Station		Admin. Invest.? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
Incident Information					
URN: 004-13726-2199-013		Date: 08-13-2004		Time: 2156	
City or Station: Century Station		Nature of Incident: Deputies attempted to stop the suspect for a vehicle code violation. The suspect exited his still moving vehicle with a gun in his hand and pointed it at the uniform deputies. Deputies fired at the suspect, fatally wounding him.			
Location: 1724 East 47th Street Los Angeles,					
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot <u>Residence</u> Rural School Street Other: _____	Lighting (circle only one): <u>Darkness</u> Daylight Other Street Lights	Incident Type (circle one or more): Accidental <u>Armed Person</u> <u>Fleeing Suspect</u> <u>Foot Pursuit</u> Gun Take Away Moving Vehicle Sniper/Ambush Stunt Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____		Initiated by (circle only one): Arrest Warrant Call Observation <u>One Person Unit</u> Other Search Warrant Two Person Unit	
	Weather (circle only one): <u>Clear</u> Cloudy Fog Rain			Prior Activity (circle only one): Detective Inmate Transport Other <u>Routine Patrol</u>	
	Distance: 10 feet			Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>	
Total # of Shots Fired by Deputy 16 & 11 (27)	Total # of Shots Fired by Suspect Unknown				
Employee Witnesses					
Employee # [REDACTED]	Last Name AHMAD	First Name KAMAL	M.I. M.	ShiftTime (circle only one): EM <u>PM</u> Day	ShiftType (circle only one): <u>Regular</u> Overtime Off Duty
Employee # [REDACTED]	Last Name GUILLEN	First Name ANTONIA	M.I. [REDACTED]	ShiftTime (circle only one): EM <u>PM</u> Day	ShiftType (circle only one): <u>Regular</u> Overtime Off Duty
Employee # [REDACTED]	Last Name [REDACTED]	First Name [REDACTED]	M.I. [REDACTED]	ShiftTime (circle only one): EM <u>PM</u> Day	ShiftType (circle only one): Regular Overtime Off Duty
Non-Employee Witnesses					
Last Name OFFICER [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	
Street Address LAPD- CITY WIDE GANG TASK FORCE		City Los Angeles		Zip Code [REDACTED] Work Ph [REDACTED] Home Ph [REDACTED]	
Last Name OFFICER [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	
Street Address LAPD- CITY WIDE GANG TASK FORCE		City Los Angeles		Zip Code [REDACTED] Work Ph [REDACTED] Home Ph [REDACTED]	
Last Name [REDACTED]		First Name [REDACTED]		M.I. [REDACTED]	
Street Address [REDACTED]		City [REDACTED]		Zip Code [REDACTED] Work Ph [REDACTED] Home Ph [REDACTED]	
Supervisors					
Employee # [REDACTED]	Last Name BLACKWELL	First Name GARY	M.I. L.	(circle one or more): <u>On Duty</u> Witness to shooting Present during shooting Involved in shooting	
Employee # [REDACTED]	Last Name ARRIAGA	First Name MICHAEL	M.I. S.	(circle one or more): <u>On Duty</u> Witness to shooting Present during shooting Involved in shooting	
Watch Sergeant					
Employee # [REDACTED]	Last Name HILES	First Name RICHARD	M.I. G.		
Watch Commander					
Employee # [REDACTED]	Last Name Babbitt	First Name John	M.I. C.		

PSTD Use Only	
SH # _____	

Officer Involved Shooting Involved Employee Information

URN: 004-13726-2199-013

Page 3 of 4

Involved Employee							
E 1	Employee #		Last Name		First Name		M.I.
			GEISBAUER		ANTHONY		
	Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):		
	M	Cauc	Deputy	FOR II, Century Station	Patrol, 216-E		
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage? <input type="checkbox"/>		
	EM <input type="radio"/> PM <input checked="" type="radio"/> Day		Regular <input checked="" type="radio"/> Overtime <input type="radio"/> Off Duty		Substance Used:		
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #
							Interviewed? <input type="checkbox"/>
	Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one):		Other Factors:	
	7-8			Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest <u>Uniform w/ Vest</u>			
Age:		Height:	Weight:				
		5' 10"	210				
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:			
Certified with Weapon Used?		Patrol Certification?	Certification Unit:	Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 1		
Field Training Officer Emp #		Last Name	First Name	M.I.			
Field Training Officer Emp #		Last Name	First Name	M.I.			
E 2	Employee #		Last Name		First Name		M.I.
			MAC DONALD		JOHN		
	Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):		
	M	Cauc	Deputy	FOR II, Century Station	Patrol, 216-E		
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage? <input type="checkbox"/>		
	EM <input type="radio"/> PM <input checked="" type="radio"/> Day		Regular <input checked="" type="radio"/> Overtime <input type="radio"/> Off Duty		Substance Used:		
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #
							Interviewed? <input type="checkbox"/>
	Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one):		Other Factors:	
	8			Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest <u>Uniform w/ Vest</u>			
Age:		Height:	Weight:				
		5' 08"	180				
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:			
Certified with Weapon Used? <input checked="" type="checkbox"/>		Patrol Certification?	Certification Unit:	Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 1		
Field Training Officer Emp #		Last Name	First Name	M.I.			
Field Training Officer Emp #		Last Name	First Name	M.I.			
E	Employee #		Last Name		First Name		M.I.
	Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):		
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage? <input type="checkbox"/>		
	EM <input type="radio"/> PM <input type="radio"/> Day		Regular <input type="radio"/> Overtime <input type="radio"/> Off Duty		Substance Used:		
	Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case? <input type="checkbox"/>		Coroner Case #
							Interviewed? <input type="checkbox"/>
	Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one):		Other Factors:	
				Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest			
Age:		Height:	Weight:				
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:			
Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings:		
Field Training Officer Emp #		Last Name	First Name	M.I.			
Field Training Officer Emp #		Last Name	First Name	M.I.			

Officer Involved Shooting Suspect Information

URN: 004-13726-2199-013

Page 4 of 4

Suspect Information

S 1	Last Name MACIAS		First Name GERARDO		M.I.
	AKA Last Name		First Name		M.I.
	MACIAS		ARNOLDO		
	Sex: M Race: Hispanic	Street Address:		City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: 24 D.O.B. 12-20-80	Height: 5, 09" Weight: 190	FBI #	CIL #	
	Booking # Not booked	Primary Charge: 245(D)(1) PC		Secondary Charge:	
	Coroner Case? <input checked="" type="checkbox"/>	Coroner Case # 2004-06140	Intoxication/Drug Usage? <input checked="" type="checkbox"/>	Substance Used: Meth, Cocaine & Alcohol	
	Armed? <input checked="" type="checkbox"/>	Apprehended? <input checked="" type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History?	
	Vehicle Make Ford (Ca. Lic #		Model: Bronco	Year: 1986	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex: Race:	Street Address:		City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI #	CIL #	
	Booking #	Primary Charge:		Secondary Charge:	
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
	Vehicle Make		Model:	Year:	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex: Race:	Street Address:		City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI #	CIL #	
	Booking #	Primary Charge:		Secondary Charge:	
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
	Vehicle Make		Model:	Year:	
S	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex: Race:	Street Address:		City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI #	CIL #	
	Booking #	Primary Charge:		Secondary Charge:	
	Coroner Case? <input type="checkbox"/>	Coroner Case #	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
	Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
	Vehicle Make		Model:	Year:	



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

December 16, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Peavy:

RE: J.S.I.D. File No. 04-0679
L.A.S.D. File No. 004-13726-2199-013

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 13, 2004, fatal shooting of Gerardo Macias by Los Angeles County Sheriff's (LASD) Deputies Anthony Geisbauer and John MacDonald. We find that the deputies acted in lawful self-defense.

The following analysis is based on reports prepared by detectives from the Los Angeles County Sheriff's Department, Homicide Bureau, submitted to this office on November 4, 2004. The District Attorney Response Team, comprised of Deputy District Attorney Kraig St. Pierre and Senior Investigator [REDACTED] responded to the scene at approximately 1 a.m. and were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene. Deputies Geisbauer and MacDonald gave voluntary statements to investigators. Their statements were considered as part of this analysis.

FACTUAL ANALYSIS

On Friday, August 13, 2004, LASD Deputies Anthony Geisbauer and John MacDonald were patrolling in the area of Holmes and Slauson Avenues in the City of Los Angeles when they heard the sound of gunfire and immediately began to search for its source. As they searched the area west of Long Beach Avenue and 48th Place, the driver, Deputy MacDonald, saw a 1986 dark blue Ford Bronco stopped at a traffic signal facing east. The Bronco had expired registration tags and the deputies decided to conduct a traffic stop. They turned their marked patrol car around and pursued the Bronco which had

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: <http://da.co.la.ca.us>

proceeded under a green light and turned northbound onto Long Beach Avenue. Deputy MacDonald activated the car's forward-facing red lights, its spotlight and, briefly, the siren. The Bronco did not stop but turned eastbound onto East 47th Street with the deputies close behind.

When Deputy MacDonald activated the forward-facing red lights the Bronco appeared to accelerate as it made the turn onto East 47th Place causing its rear end to almost strike the north curb. The driver, later identified as Gerardo Macias, a 38th Street gang member with the monikers "Diablo" and "Evil," regained control of the Bronco, guided it back into the eastbound lane of traffic, and slowed to approximately five miles per hour. With the Bronco still moving the driver door opened and Macias got out – the Bronco rolled several more feet until it struck a tree next at the south curb of East 47th Place. Macias held a .45 caliber AMT semi-automatic handgun in his right hand.

Deputy MacDonald stopped the patrol car approximately ten feet behind where Gerardo Macias exited slightly offset to the left of the driver side of the Bronco. Macias faced northwest – almost directly facing Deputy MacDonald – and both deputies could see the gun in his hand as they exited their car. According to Deputy MacDonald, Macias did not initially appear to have complete control of the weapon. Macias momentarily turned his back on the deputies and, upon turning back, held the gun chest-high and pointed at Deputy MacDonald. MacDonald immediately began to fire his department-issued 9mm Beretta at Macias as he ran northeast across East 47th Place to gain cover behind a parked car. His last recollections are of Macias running to the south sidewalk of East 47th Place where, according to MacDonald, Macias must have been hit because he fell to the ground.

Deputy Geisbauer saw Gerardo Macias exit the Bronco with the gun in hand. Within moments Macias began to run eastward down East 47th Place and, according to Geisbauer, Deputy MacDonald gave chase. He next heard the sound of gunfire and was uncertain of who was firing at whom. Macias was approximately twenty-five feet east of Deputy Geisbauer on the south sidewalk of East 47th Place when he turned his upper body and pointed the gun at him. Geisbauer fired several rounds at Macias who, seconds later, collapsed to the sidewalk in front of 1724 East 47th Place. Macias was pronounced dead at the scene.

On August 16, 2004, at approximately 9 a.m., Los Angeles County Deputy Medical Examiner Ajay Panchal, M.D., performed an autopsy on the body of Gerardo Macias. Dr. Panchal determined the manner of death to be multiple gunshot wounds¹. As part of the autopsy, a toxicological analysis of Gerardo Macias's blood was performed. Macias's blood was found to contain small traces of alcohol, cocaine and methamphetamine. When Macias's body was searched at the scene a small quantity of a white powdery substance was located in his pants pocket. This item was not chemically analyzed.

¹ Although two expended bullets were recovered during the autopsy of Gerardo Macias, no ballistic analysis was performed in order to determine which deputy, or both, fired the fatal shot(s).

Gerardo Macias's criminal record includes a [REDACTED]

CONCLUSION

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears to the person claiming the right of self-defense, or the defense of another, that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731

When Gerardo Macias pointed a gun at Deputies MacDonald and Geisbauer, they were lawfully entitled to defend themselves with deadly force. Their respective decisions to do so were both reasonable and lawful.

Having concluded that Deputies MacDonald and Geisbauer were acting in lawful self-defense when they shot and killed Gerardo Macias, our file is now closed and we will take no further action in the matter.

Very truly yours,

STEVE COOLEY/
District Attorney

By

KRAIG ST. PIERRRE
Deputy District Attorney
(213) 974-5280

c: Deputy Anthony Geisbauer, # [REDACTED]
Deputy John MacDonald, # [REDACTED]